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Defendants' joint pre-motion letter to dismiss at Dkt. No. 34 is DENIED without prejudice to renewal before Magistrate Judge Cott. The parties' application for an extension of time to answer, move or otherwise respond to the Complaint is DENIED without prejudice to renewal before Judge Cott. The initial pretrial and pre-motion conference scheduled for April 13, 2022, and all deadlines to file letters in advance of that conference, are adjourned sine die.

So Ordered.

Dated: April 6, 2022  
New York, New York

LORNA G. SCHOFIELD  
UNITED STATES DISTRICT JUDGE

**Re: Free Holdings, Inc. v. McCoy, et al., Joint Initial Pre-Conference Letter**

Dear Judge Schofield:

We represent plaintiff Free Holdings, Inc. ("Free Holdings" or "Plaintiff") in the above-referenced action. We write concerning your Honor's order, dated March 1, 2022, directing the parties to submit a joint initial pre-conference letter addressing certain information and attaching the parties' Proposed Case Management Plan. *See* Exhibit 1.

The parties have consented to conducting all further proceedings before Magistrate Judge Cott. *See id.*; Exhibit 2. In light of the parties' consent to have the case referred to Magistrate Judge Cott, we request that the Court clarify whether it still requires the parties to file a joint letter in response to the Court's March 1, 2022 Order (*see* Dkt. No. 19).

Please also note that Plaintiff intends to file an Amended Complaint by April 27, 2022. The parties therefore respectfully request that Defendants' time to respond to the Complaint be adjourned pending that amendment, with the parties to confer thereafter about a schedule for Defendants to respond. Plaintiff further requests that the Court vacate its April 1, 2022 Order (Dkt. No. 35), directing Plaintiff to respond to Defendants' joint pre-motion letter to dismiss.

Sincerely,

**FALCON RAPPAPORT & BERKMAN PLLC**

By: /s/Moish E. Peltz/

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